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Sender:

Theodorus Nicolaas Mak
Philips Intellectual Property & Standards
Postbus 220
Eindhoven 5600 AE
Netherlands

Phone: +31 40 2743356

Fax: +31 40 2743489

☒ D-80298 München
☎ (+49-89) 2399-0
Tx 523 656 epmu d
Fax (+49-89) 23 99-44 65
☒ P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
☎ (+31-70) 340-2040
Tx 31 651 epo nl
Fax (+31-70) 340-30-16
☒ D-10958 Berlin
☎ (+49-30) 25901-0
Fax (+49-30) 25901-840

LETTER ACCOMPANYING SUBSEQUENTLY FILED ITEMS

The document(s) listed below is (are) subsequently filed documents pertaining to the following application:

Application number

05702727.8

Applicant's or representative's reference

PHNL040092 EP2

	Description of document	Original file name	Assigned file name
1	Reply to examination report	NL040092 EP2 brf EPO (17.04).pdf	EXRE3-1.pdf
2	Amended description	NL040092 EP2 new page 2 (17.04).pdf	DESCPAMD-1.pdf
3	Amended claims	NL040092 EP2 amended claims marked-up (17.04).pdf	CLMSPAMD-1.pdf
4	Amended claims	NL040092 EP2 amended claims clean (17.04).pdf	CLMSPAMD-2.pdf

	Fees	Factor applied	Fee schedule	Amount to be paid
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	Payment	
1	Mode of payment	Not specified

Annotations

Statement

The undersigned hereby declares that the subsequently filed items do NOT contain or are NOT intended to contain any communication relating either to an appeal or to an opposition (OJ EPO 2003, 609: ".....This possibility is not yet available in opposition and appeal proceedings; in such proceedings, therefore, the electronic filing of documents is not admissible.").

Signatures

Place: Eindhoven
Date: 17 April 2007
Signed by: NL, Philips IP&S, T. Mak 910
Capacity: (Representative)

CLAIMS: (showing amendments)

1. A device (201) for scanning an optical disc (202), the disc (202) comprising a pattern (203) of substantially parallel data tracks, the device (201) comprising:
 - an optical pick up unit (204) for creating, from a light beam (206), a spot 208 on a data track of the pattern (203);
 - 5 - means (209) for moving the spot (208) relative to the pattern (203);
 - means (210) for determining a radial tracking error signal, the radial tracking error signal indicating a deviation of the spot (208) relative to the data track, the means (210) for determining the radial tracking error signal being arranged for determining a periodic signal (31, 32, 41, 42) from the radial tracking error signal while the spot (208) is radially
 - 10 moving across the pattern (203), a period of the periodic signal (31, 32, 41, 42) corresponding to a pitch of the data tracks; and
 - means (211) for detecting a tilt angle (214) between an optical axis of the pick up unit and the optical disc (202), the means (211) for detecting the tilt angle (214) being arranged for detecting an asymmetry in the periodic signal (31, 32, 41, 42) during the period,
 - 15 characterized in that the device comprises means (701) for memorizing detected tilt angles (214) for positions on the disc (202) and means (702) for creating a tilt map of the optical disc (202) depending on memorized tilt angles (214), the tilt map comprising estimated tilt angles for other positions on the disc.
- 20 2. The device (201) as claimed in claim 1, wherein the means (211) for detecting the tilt angle (214) is arranged for integrating the periodic signal (31, 32, 41, 42) over an integer number of periods.
3. The device (201) as claimed in claim 1, wherein the means for detecting the
- 25 tilt angle (214) is arranged for determining a shift of a zero crossing of the periodic signal (31, 32, 41, 42).

4. The device (201) as claimed in claim 1, further characterized in that the means for determining the radial tracking error signal is arranged for determining a radial push pull (RPP) signal or a differential time detection (DTD) signal.

5 5. The device (201) as claimed in claim 1, wherein the means (208) for moving the spot (209) comprises an actuator for radially moving the pick up unit (204) across the pattern (203), while the disc (202) is in a stationary position.

6. The device (201) as claimed in claim 1, wherein the means (209) for moving
10 the spot (208) comprises means for rotating the disc (202), while the pick up unit (204) is in a stationary position.

7. The device (201) as claimed in claim 1, wherein the means (209) for moving
the spot (208) comprises means for rotating the disc (202) and an actuator for radially
15 moving the pick up unit (204) across the pattern (203), while the disc (202) is rotating.

8. The device (201) as claimed in claim 1, further comprising means for storing the tilt map and information which uniquely identifies the corresponding optical disc, and means for retrieving the tilt map when the corresponding optical disc is used again later.
20 ~~means (701) for memorizing detected tilt angles (214) for positions on the disc (202) and means (702) for creating a tilt map of the optical disc (202) depending on memorized tilt angles (214).~~

9. The device (201) as claimed in claim 7, further comprising:
25 - a memory (703) for storing models of tilted discs (202);
- means (704) for comparing the memorized tilt angles (214) to the models for selecting an appropriate model, which model resembles the disc (202);
- and wherein the means (702) for creating the tilt map are arranged for creating a tilt map depending on the memorized tilt angles (214) and the appropriate model.

30 10. A method for detecting a tilt angle (214) of a part of an optical disc (202), the method comprising the steps of:
- moving a light spot (208) radially across a pattern (203) of substantially parallel data tracks on the optical disc (202);

- determining a periodic signal (31, 32, 41, 42) from a radial tracking error signal during moving the spot (208) radially across the pattern (203), the radial tracking error signal indicating a deviation of the spot (208) relative to a data track, a period of the periodic signal (31, 32, 41, 42) corresponding to a pitch of the data tracks; and
- 5 - detecting an asymmetry in the periodic signal (31, 32, 41, 42) during the period for detecting the tilt angle (214) of the part of the optical disc (202),
characterized in that the method comprises the steps of:
- memorizing detected tilt angles (214) for positions on the disc (202), and
creating a tilt map of the optical disc (202) depending on memorized tilt angles (214), the tilt
- 10 map comprising estimated tilt angles for other positions on the disc.
11. A computer program product operative to cause a processor to perform the method of claim 10.

unit (OPU), which OPU serves for reading data from the optical disc. The method for detecting disc tilt, described in EP 0486613, assumes a perfect alignment of the objective lens and the photo detector. In this event the beam landing error is regarded to be caused by disc tilt only and the RPP signal is issued as a disc tilt detecting signal.

5 A drawback of the method for detecting disc tilt, described in EP 0486613 is that a detected beam landing error, caused by misalignment of optical parts of the pick up unit will be misinterpreted as a disc tilt error. This misinterpretation may result in an offset in the disc tilt signal and an incorrect adjustment by the tilt servo unit. This may lead to a problematic reading of data from the disc.

10 US 5,202,864 describes an apparatus for reading optical discs. A track deviation signal is generated, and asymmetry in the track deviation signal may be caused by inclination of the disc. A DC component in the track deviation signal is detected and used for controlling actuators. WO 02/05271 describes a method for reading of an optical disc. The disc may be scanned to find surface errors. The position of surface errors is stored in an error
15 map.

 It is an object of the invention to provide a device for scanning an optical disc with means for detecting disc tilt, which means is arranged for accurately detecting a disc tilt error signal by reducing the offset in the disc tilt error signal.

 According to the present invention, there is provided a device as defined in
20 claim 1, and a method as defined in claim 10.

 One period in the periodic signal corresponds to the pitch of the data tracks. The signal of the period is symmetric when no disc tilt occurs and is repeated for every track. When disc tilt occurs the signal during the period becomes asymmetric. Disc tilt is detected by detection of asymmetry in the signal during the period

25 With the invention, in contrast with the prior art, beam landing errors can be distinguished from disc tilt errors. Beam landing errors may, depending on the type of radial tracking error signal, cause a shift of the periodic signal, but do not substantially affect the symmetry of the signal. Detection of asymmetry in the periodic signal is therefore an adequate method for determining a disc tilt error signal and reduces the possibility that an
30 offset occurs in the disc tilt error signal, for example, as a result of a beam landing error.

 The invention relies on the insight that the periodic signal, obtained from the radial tracking error signal while moving across the pattern, is asymmetrically deformed when disc tilt occurs. The deformation of the periodic signal is caused by an asymmetry in the spot on the pattern of data tracks. The upper part of Figure 1a shows an intensity of the

Philips Intellectual Property & Standards

P.O. Box 220, 5600 AE Eindhoven, The Netherlands

European Patent Office
Erhardtstrasse 27
80331 MÜNCHEN
Germany

Tel: +31 40 27 43356
Fax: +31 40 27 43489

Ref: PHNL040092 EP2
TMAK/AB
Date: 2007-04-17

Re: European Patent Application No. 05 702 727.8 – 2210
Applicant: Koninklijke Philips Electronics N.V.

In response to the Communication pursuant to Art.96(2) of 17.01.2007 the following observations and amended claims are filed.

The arguments are provided with reference to the original English text, published as WO2005/073962.

1. Claim amendments

Amended claims have been annexed. Additions have been indicated in underline, deletions in ~~strike through~~. A clean set having the final claims to replace the claims on file is also annexed.

1.1 Amendments to claim 1

In response to the Communication claim 1 has been amended. Claim 1 is based on original claim 1, and a new characterizing part has been added:

characterized in that the device comprises

(a) *means (701) for memorizing detected tilt angles (214) for positions on the disc (202) and means (702) for creating a tilt map of the optical disc (202) depending on memorized tilt angles (214),*

(b) *the tilt map comprising estimated tilt angles for other positions on the disc*

(a) The feature has been taken from original claim 8

The characterizing part has been further limited by adding that:

(b) the tilt now includes estimated values on other positions between measured positions.

The feature is supported in the description on page 7, line 20-22.



Philips International B.V.
Philips Intellectual Property & Standards
Office address: Prof. Holstlaan 6, Bldg. WAH
5656 AA Eindhoven, The Netherlands
Tel +31 40 279 11 11
Fax +31 40 274 34 89
Commercial Register Eindhoven no. 17047664
www.ip.philips.com

1.2 Further amendments

Further independent claim 10 has been limited according to claim 1.

Original claim 8 has been deleted (now included in claim 1); a new claim 8 has been added:
8. *The device (201) as claimed in claim 1, further comprising means for storing the tilt map and information which uniquely identifies the corresponding optical disc, and means for retrieving the tilt map when the corresponding optical disc is used again later.*
The storing of the tilt map with a unique disc identifier for later use is supported on page 8, lines 4-8.

1.3 Art 123(2)

The amendments are based on the original claims and description as indicated above, and hence are believed to comply with Art.123(2) EPC.

2. Novelty and inventiveness

2.1 Novelty

Document D1 describes an apparatus for reading optical discs. A track deviation signal is generated, and asymmetry in the track deviation signal may be caused by inclination of the disc. A DC component in the track deviation signal is detected and used for controlling actuators.

It is noted that the apparatus of D1 does not actually derive a measure of tilt from the track deviation signal. Said DC component is used to compensate for offset.

The current invention requires that actual tilt values are detected and that, based on the tilt values, a tilt map is generated

Hence the subject matter of claim 1 is novel in view of D1.

Document D2 describes a method for reading of an optical disc. The disc may be scanned to find surface errors. The position of surface errors is stored in an error map.

The current invention requires that actual tilt values are detected and a tilt map is generated. However, D2 is silent on detecting tilt. Moreover, the error map stores only positions where actual surface errors have been detected.

Hence the subject matter of claim 1 is novel in view of D2.

2.2 Inventiveness

Document D1 may be considered to be the closest prior art. However, D1 does not actually detect tilt, but only derives a DC component that may be due to inclination or other causes (col.7, lines 42-46). In addition, other prior art documents mentioned in the ISR (e.g. D3 = US 4,631,712 or D4 = JP2001-344790) describe detecting tilt based on push-pull tracking signals.

The current invention requires that a tilt map is generated, which includes estimated values between positions that have been actually measured.

The effect is that tilt can be predicted on any position based on the tilt map.

With respect to D1 the objective technical problem is to predict tilt on any position on the disc.

The solution of the invention essentially is to measure tilt at a number of positions, and estimate the tilt value between the measured positions. The current invention is also based on the following recognition. Measuring tilt and storing the values initially allows the apparatus to use the tilt values when data is to be read from a measured position. In particular the inventors have seen that it is not necessary to take a large number of measurements. On the contrary, as tilt is a global variable that slowly changes across the surface, a limited number of measurements is sufficient, while the intermediate values can be estimated. In an embodiment the estimation is further improved by first determining a suitable model of the warped disc.

From D1 and the various other documents mentioned in the International Search Report it appears to be known to determine tilt from asymmetry in the tracking error signals. However, these documents are silent on storing the tilt values for later use. Only the actual value of the tilt signal is used. The use of the derived signal in D1 is different, and not related to detecting or correcting tilt as such.

Note that D1 is completely silent on problems relating to measuring and storing tilt values. D3 and D4 provide examples of measuring tilt, but there is no discussion about storing multiple tilt value for later use. Although D2 discusses storing multiple error locations the skilled person does not see any link between the concepts of D1/D3/D4 and D2. Hence the skilled person lacks incentive to consider D2.

Nevertheless, even if the skilled person considered D2, he would not arrive at the invention. D1 could be modified to measure tilt values that could be stored in a map like the surface errors of D2. However, there is no indication at all to generated estimated values at "surface

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Date: 2007-04-17

error" between positions where surface errors have been measured. It is to be noted that such teaching is not at all present in D2. It is to be noted that the presence of surface errors on some locations clearly does not give a clue to predicting surface errors at intermediate locations. Assuming any teaching in D2 about predicting errors at intermediate locations can only be based on hindsight. Therefore the skilled person, even if he stored tilt values in a D2-type error map, would not add estimated values to reduce the number of measurements that is required to cover the surface, and would not estimate intermediate values.

Therefore the subject matter of (amended) claim 1 (and claim 10) is inventive in view of D1 (and D3/D4) and D2.

3. Description

The introduction has been brought into conformity with the amended claims (old lines 15-20). Replacement page 2 to replace the original page 2 has been annexed, on which documents D1 and D2 have been acknowledged (on line 10).

4. Conclusion

The claims and description are believed to be in conformance with the requirements of the EPC. If the Examining Division disagrees, a further Communication or an informal interview by telephone will be appreciated. In the event that the Examining division unexpectedly intends to refuse the application, oral proceedings are requested.

The Professional Representative,

T.N. Mak

Encl. Amended claims (marked-up and clean version)
Replacement page 2 to replace original page 2



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Acknowledgement of receipt

We hereby acknowledge receipt of the following subsequently filed document(s):

Submission number	222602	
Application number	EP05702727.8	
Date of receipt	17 April 2007	
Receiving office	European Patent Office, The Hague	
Your reference	PHNL040092 EP2	
Applicant	Koninklijke Philips Electronics N.V.	
Number of applicants	1	
Documents submitted	packagedata.xml ep-sfd-request.xml DESCPAMD-1.pdf\NL040092 EP2 new page 2 (17.04).pdf (1 p.) CLMSPAMD-2.pdf\NL040092 EP2 amended claims clean (17.04).pdf (3 p.)	epf1038.pdf (1 p.) EXRE3-1.pdf\NL040092 EP2 brf EPO (17.04).pdf (4 p.) CLMSPAMD-1.pdf\NL040092 EP2 amended claims marked-up (17.04).pdf (3 p.)
Submitted by	CN=T. Mak 910,O=Philips IP&S,C=NL	
Method of submission	Online	
Timestamp of receipt	17 April 2007, 14:19:00 (CEST)	
Digest	21:39:41:33:1D:9D:6D:FD:A2:E2:03:5D:A1:FE:61:59:70:02:BF:E1	

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EPA/EPO/OEB
D-80298 München
+49 89 2399-0
TX 523 656 apmu d
FAX +49 89 2399-4465

Europäisches
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Generaldirektion 2

European
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Directorate General 2

Office européen
des brevets

Direction Générale 2

van Oudheusden-Perset, Laure E.
Société Civile SPID
156, Boulevard Haussmann
75008 Paris
FRANCE

Telephone numbers:

Primary Examiner +49 89 2399-2282
(substantive examination)

Formalities Officer / Assistant +49 89 2399-0
(Formalities and other matters)



Application No. 05 702 727.8 - 2210	Ref. PHNL040092EP2	Date 17.01.2007
Applicant Koninklijke Philips Electronics N.V.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

One set of amendments to the description, claims and drawings is to be filed within the said period on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



Stemmer, Michael
Primary Examiner
for the Examining Division

Enclosure(s): 3 page/s reasons (Form 2906)

**Bescheid/Protokoll (Anlage)**

Datum
Date 17.01.2007
Date

Communication/Minutes (Annex)

Blatt
Sheet 1
Feuille

Notification/Procès-verbal (Annexe)

Anmelde-Nr.:
Application No.: 05 702 727.8
Demande n°:

The examination is being carried out on the following application documents:

Description, Pages

1-9 as published

Claims, Numbers

1-11 as published

Drawings, Sheets

1/11-11/11 as published

1. Reference is made to the following documents; the numbering will be adhered to in the rest of the procedure:

D1: US-A-5 202 864 (MORIYA ET AL) 13 April 1993 (1993-04-13)

D2: WO 02/05271 A (DISCCONTROL APS UNDER STIFTELSE; ANDERSEN, PALLE; PEDERSEN, TOM, SOEND) 17 January 2002 (2002-01-17)

2. The present application does not meet the requirements of Article 52(1) EPC, because the subject-matter of claims 1, 10, 11 is not new in the sense of Article 54(1) and (2) EPC and because the subject-matter of claims 2-8 does not involve an inventive step in the sense of Article 56 EPC.
 - 2.1 As for claim 1 the document D1 discloses (the references in parentheses applying to this document):



A device (fig 1) for scanning an optical disc (1), the disc comprising a pattern (spiral-shaped tracks) of substantially parallel data tracks, the device comprising an optical pick up unit (3,4,5,6,7,8,9,10,11,12,13) for creating, from a light beam, a spot on a data track of the pattern;
means (12) for moving the spot relative to the pattern;
means (14,15,16) for determining a radial tracking error signal, the radial tracking error signal indicating a deviation of the spot relative to the data track, the means for determining the radial tracking error signal being arranged for determining a periodic signal (fig 2,3) from the radial tracking error signal while the spot is radially moving across the pattern, a period of the periodic signal corresponding to a pitch of the data tracks;
and means (col 7 l 42-44) for detecting a tilt angle between an optical axis of the pick up unit and the optical disc, the means for detecting the tilt angle being arranged for detecting an asymmetry in the periodic signal during the period (D1 col 4 l 42 - col 8 l 14; fig 1-3).

This applies mutatis mutandis to claims 10 and 11.

- 2.2 As for claims 2-4 the stipulated features are considered to be within the scope what a skilled person, based on common knowledge would take into consideration, to determine the asymmetry of the period signal.
- 2.3 As for claims 5-7 the stipulated features are considered to be within the scope what a skilled person, based on common knowledge would take into consideration, to access a given location of the optical disk.
- 2.4 As for claim 8 the problem to be solved by the additional features is regarded as to avoid repeated acquisition of an imperfection of the optical disc (e.g. the tilt angle). To solve this problem D2 (p 8 l 29- p 9 l 15) proposes a solution with features as stipulated in the present claim 8.
A combination departing from the disclosure of D1 with the teaching of D2 is therefore regarded to be obvious.

The solution proposed in claim 8 can therefore not be considered as involving an



inventive step (Article 56 EPC).

- 2.5 The combination of the features of dependent claim 9 is neither known from, nor rendered obvious by, the available prior art.

The combination of the features of dependent claim 9 achieves the effect that a tilt map of a disc can be established by a small number of measurements when using appropriate tilt models.

The subject-matter of claim 9 could therefore be considered both novel and inventive.

A new independent claim may be drafted to include these features, bearing in mind that the features known in combination in D1 should be placed in the preamble of such a claim in accordance with Rule 29(1) EPC.

- 3.1 To meet the requirements of Rule 27(1)(b) EPC, the documents D1-D2 should be identified in the description and the relevant background art disclosed therein should be briefly discussed.
- 3.2 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).



✉ EPA/EPO/OEB
D-80298 München
☎ +49 89 2399 - 0
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van Oudheusden-Perset, Laure E.
Société Civile SPID
156, Boulevard Haussmann
75008 Paris
FRANCE



Formalities Officer

Name: Sportellini

Tel.: 7647

Date
07.11.06

Reference
PHNL040092EP2

Application No./Patent No.
05702727.8 - 2210

Applicant/Proprietor
Koninklijke Philips Electronics N.V.

Communication of amended entries concerning the representative (Rule 92(1)h) EPC)

As requested, for the above-mentioned European patent application/European patent the entries concerning the representative have been amended as follows:

van Oudheusden-Perset, Laure E.
Société Civile SPID
156, Boulevard Haussmann
75008 Paris
FR

The amendment will be recorded in the Register of European Patents.

Transfer Service

Tel.: +49 (0)89 2399 2780





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06. Okt. 2006

Dir. 5.2.4

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EPO - Munich
37

05. Okt. 2006

Paris 28 septembre 2006

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D-80298 München

ALLEMAGNE

Objet : mandataire agréé CHAFFRAIX Jean
suppression de pouvoirs généraux
changement de mandataire désigné dans les demandes de brevet européen en
cours

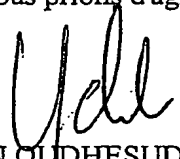
Messieurs,

Vous trouverez ci-joint la lettre de Monsieur CHAFFRAIX du 28 Septembre 2006, vous demandant de supprimer son nom des pouvoirs généraux.

A cette occasion, vous voudrez bien changer le nom du premier mandataire de notre groupement, destinataire du courrier, par le nom de van Oudheusden-Perset Laure E. et ce pour toutes les demandes qui sont actuellement au nom de " CHAFFRAIX Jean " aux noms et adresses suivantes :

- Société Civile SPID - 156 bld Haussmann - 75008 - Paris (France)
- Philips Corporate Intellectual Property - 156 bld Haussmann - 75008 - Paris (France)
- Philips Intellectual Property & Standards - 156 bld Haussmann - 75008 - Paris (France)

Nous vous prions d'agréer, Messieurs, l'expression de nos salutations distinguées.


L. VAN OUDHESUDEN-PERSET
Directeur
Mandataire agréé

copy
UST 25/10

copie : Mr Van der VEER (IP&S-NL)
Mrs VOS Tineke (IP&S-NL - HRM Dept)
Mme van Oudheusden-Perset Laure E.

PROPRIETE INDUSTRIELLE

SOCIETE CIVILE "SPID" 156 Boulevard HAUSSMANN 75008 PARIS (FRANCE)
Tél. : 33 (0)1 40 76 80 00 Fax : 33 (0)1 45 61 05 36 Liste Spéciale INPI 422-5/S008



EPO - Munich
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05. Okt. 2006

Paris.

28 septembre 2006

NREF

VREF

European Patent Office
D-80298 MÜNCHEN
Att. Mr M. Garbey
Legal Affairs Directorate
Dept. 5.1.1.
ALLEMAGNE

Re: Deletion from general authorisations

Dear Mrs. Garvey,

You are hereby respectfully requested to delete per October 01, 2006 the name of the undersigned from the following general authorisations nos.:

43, 44, 82, 304, 343, 400, 401, 402, 468, 469, 958, 1341, 1607, 2033, 2034, 4334, 4803, 4830, 5258, 5911, 6139, 6454, 6598, 6685, 6973, 7540, 7875, 8228, 8263, 8499, 11588, 12245, 12701, 12923, 13155, 13536, 13627, 13807, 14538, 14654, 16298, 17199, 17809, 19533, 21585, 21820, 21990, 22063, 23113, 24498, 27869, 29761, 29781, 30275, 30276, 31087, 32755, 33504, 35631, 35632, 36020, 40108, 40779, 41313, 41317, 42614, 42615, 42616, 44251, 44266, 44541 and 46376.

The address given in these authorisations is:

Sté Civile S.P.I.D.

156, Boulevard Haussmann

F-75008 Paris

Yours faithfully


J. CHAFFRAIX
(Registration N° 14560)

PROPRIETE INDUSTRIELLE

SOCIETE CIVILE "SPID" 156 Boulevard HAUSSMANN 75008 PARIS (FRANCE)

Tél. : 33 (0)1 40 76 80 00 Fax : 33 (0)1 45 61 05 36 Liste Spéciale INPI 422-5/S008



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Durchwahl/Direct dial/
Ligne directe:

M. J. Chaffraix
Société Civile
"SPID"
156 Boulevard Haussmann
75008 Paris
FRANCE

Zeichen/Reference/Référence

Datum/Date/Date

25.10.06

Subject: General authorisation(s) No.(s) 43 + list

Your letter(s) of 28.09.06 Your ref.: _____

Dear Sir(s),

In connection with the above-mentioned general authorisation(s) we would inform you of the following (see crossed box(es)):

- ☐ The additional sub-authorisation of an/several authorisee(s) was registered with effect from _____
- ☒ The deletion of an/several authorisee(s) was effected as from 05.10.06 (Chaffraix)
- ☐ The deletion of an/several authorisee(s) could not be effected as this may be done only at the express request of the authoriser or the authorisee himself/authorisees themselves. It is not sufficient to file a new general authorisation omitting the name(s) of the authorisee(s) concerned.
- ☐ The general authorisation(s) was (were) cancelled with effect from _____
- ☐ The authority to represent the authoriser in PCT proceedings has been registered with effect from _____
- ☐ The authority to give sub-authorisations has been registered with effect from _____
- ☐ We have noted the change of name and address of the authoriser for the above-mentioned general authorisation(s).
- ☐ In connection with the change of name of the authoriser you are requested to communicate this change to Directorate-General 1 (The Hague) or Directorate-General 2 (Munich) of the European Patent Office for all applications from the authorising Company, enclosing one copy per application (Rule 36, paragraph 4, EPC). Reference may be made to the evidence submitted in respect of the above-mentioned general authorisation(s).

Yours faithfully,

M. J. Pugh
Margaret Garvey



P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
☎ (070) 3 40 20 40
FAX - (070) 3 40 30 16

Europäisches
Patentamt

European
Patent Office

Office européen
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Generaldirektion 1

Directorate General 1

Direction générale 1

Chaffraix, Jean
Société Civile SPID,
156, Boulevard Haussmann
75008 Paris
FRANCE



EPO Customer Services

Tel.: +31 (0)70 340 45 00

Date

20.09.06

Reference
PHNL040092EP2

Application No./Patent No.
05702727.8 - 2210 PCT/IB2005050228

Applicant/Proprietor
Koninklijke Philips Electronics N.V.

Notification of European publication number and Information on the application of Article 67(3) EPC

The provisional protection under Article 67(1) and (2) EPC in the individual contracting states becomes effective only when the conditions referred to in Article 67(3) EPC have been fulfilled (for further details, see information brochure of the European Patent Office "National Law relating to the EPC" and additional information in the Official Journal of the European Patent Office).

Pursuant to Article 158(1) EPC the publication under Article 21 PCT of an international application for which the European Patent Office is a designated Office takes the place of the publication of a European patent application.

The bibliographic data of the above-mentioned Euro-PCT application will be published on 18.10.06 in Section I.1 of the European Patent Bulletin. The European publication number is 1711940.

In all future communications to the European Patent Office, please quote the application number plus Directorate number.

Receiving Section





P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
☎ (070) 3 40 20 40
FAX (070) 3 40 30 16

Europäisches
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des brevets

Generaldirektion 1

Directorate General 1

Direction générale 1

Chaffraix, Jean
Société Civile SPID,
156, Boulevard Haussmann
75008 Paris
FRANCE



EPO Customer Services

Tel.: +31 (0)70 340 45 00

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13-09-2006

Reference
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05702727.8 - 2210 PCT/IB2005050228

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Communication pursuant to Rules 109 and 110 EPC

(1) Amendment of application documents; especially the claims (R. 109 EPC)

The above mentioned international (Euro-PCT) application has entered the European phase, or can do so, once the necessary conditions are fulfilled.

Under Articles 28, 41 PCT, Rules 52, 78 PCT and Rule 86(2) to (4) EPC, the applicant may amend the application documents after receiving the international search report.

Whether or not he has already done so, he now has a further opportunity to file amended claims or other application documents within a non-extendable time limit of one month after notification of the present communication (R. 109 EPC).

The claims applicable on expiry of the above time limit, i.e. those filed on entry into the European phase or in response to the present communication, will form the basis for the calculation of any claims fee to be paid (see page 2) and for any supplementary search to be carried out under Article 157(2) EPC (R. 109 EPC).

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**(2) Claims fees under Rule 110 EPC**

If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee shall be payable for the eleventh and each subsequent claim within the period provided for in Rule 107(1) EPC.

- ☐ Based on the application documents currently on file, all necessary claims fees have already been paid (or the documents do not comprise more than 10 claims).
- ☒ All necessary fees will be/have been debited automatically according to the automatic debit order.
- ☐ The claims fees due for the claims to were not paid within the above-mentioned period.

Any non-paid claims fee, either based on the current set of claims or on any amended claims to be filed pursuant to Rule 109 EPC (see page 1), may still be validly paid within a non-extendable period of grace of **one month** after notification of this communication.

If a payment is made for only some of the claims, it must be indicated for which claims it is intended. If a claims fee is not paid in due time, the claim concerned is deemed to be abandoned (R. 110(4) EPC).

If claims fees have already been paid, but on expiry of the above-mentioned time limit there is a new set of claims containing fewer fee-incurring claims than previously, the claims fees in excess of those due under Rule 110(2), 2nd sentence, EPC will be refunded (R. 110(3) EPC).

You are reminded that any supplementary search under Article 157(2) EPC will relate only to the last set of claims applicable on expiry of the above time limit AND will be confined to those fee-incurring claims for which fees have been paid in due time.

The fee for the eleventh and each subsequent claim is EUR 45,00.

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